

PUBLIC LAWS OF THE 104th CONGRESS
PERTINENT TO THE WATER RESOURCES AUTHORITIES
OF THE CORPS OF ENGINEERS

PL 104-6 **Supplemental Appropriations and Rescissions Act, FY 1995** (H.R. 889)

This "emergency" supplemental appropriations act provided \$3 billion in additional fiscal 1995 funding to pay for unbudgeted military operations in Haiti, Kuwait, Bosnia and elsewhere.

Title II, Chapter 2 authorizes \$3 million for appropriation to the Corps of Engineers, from funds appropriated in Public Law 103-316, to initiate and complete remedial measures to prevent slope instability at **Hickman Bluff, Kentucky**.

PL 104-46 **Energy and Water Development Appropriations, FY 1996** (H.R. 1905)

The fiscal 1996 energy and water development appropriations bill (H.R.1905) provides \$19.7 billion for energy and water development projects, including \$3.2 billion for the Corps of Engineers and \$600 million for the Bureau of Reclamation.

Directs the Secretary of the Army to advertise for competitive bid 7,500,000 cubic yards of the hopper dredge volume accomplished with Government-owned dredges in FY 1992.

Authorizes the Secretary to use the **dredge fleet** of the Corps of Engineers to undertake projects when industry does not perform as required by contract or when the bids are more than 25 percent in excess of a fair and reasonable cost estimate.

Prohibits the use of any funds available to the Corps of Engineers to study, design, or undertake improvement or major repair of the Federal **vessel McFARLAND** (except for normal maintenance and repair to maintain its operational condition).

Prohibits the Secretary from significantly altering operating schedules of the remaining Federal **hopper dredges** if any of the four Corps of Engineers hopper dredges is removed from normal service for repair or rehabilitation, and such repair prevents the dredge from accomplishing its volume of work regularly carried out in each of the past three years.

Modifies the previously authorized projects at **Manistique Harbor, Michigan; Petersburg, West Virginia; and Indianapolis, Indiana**.

Authorizes the Secretary of the Army to: (1) accept from a non-Federal sponsor certain additional lands contiguous to the **Cooper Lake and Channels** Project, Texas; and (2) redesignate certain mitigation land to recreation purposes. States that the cost of all work undertaken pursuant to this section shall be borne by the donating sponsor.

Modifies the project to authorize certain riverfront alterations described in a 1994 master plan.

Amends the **South Central Pennsylvania** Environmental Restoration Infrastructure and Resource Protection Development Pilot Program to: (1) authorize increased appropriations for providing environmental assistance to non-Federal interests in south central Pennsylvania; (2) increase the number of counties that compose "south central Pennsylvania"; and (3) revise the cost-sharing guidelines governing such program.

Directs the Secretary of the Army to proceed with engineering, design, and construction of flood control projects and improvements to rainfall drainage systems in **Jefferson, Orleans, and St. Tammany Parishes in Louisiana**.

Directs the Secretary of the Army to convey specified Federal lands to the **City of Prestonburg, Kentucky**, for public use recreational purposes and to further the regional economic development, subject to certain conditions.

Authorizes the Secretary of the Army to undertake the **Coos Bay, Oregon**, project.

PL 104-58 **Alaska Power Administration Sale** (S. 395)

Authorizes and directs Energy Department to sell the Alaska Power Administration's **Snettisham and Eklutna hydroelectric projects**, and then privatize the APA itself.

Section 104 (g) repeals Section 204 (1962 Flood Control Act) Corps construction authority upon conveyance of assets.

PL 104-59 **National Highway System Designation Act of 1995** (S. 440)

Authorizes the project for navigation at **Great Bridge, Virginia**, Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of \$23,680,000, with an estimated Federal cost of \$20,341,000 and an estimated non-Federal cost of \$3,339,000. The City of Chesapeake shall assume full ownership of the replacement bridge to be constructed under the project, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

PL 104-88 **Interstate Commerce Commission Termination** (H.R. 2539)

Eliminates the ICC on Dec. 31, 1995, shifting its functions to the Department of Transportation and creating a three-member panel to handle oversight, antitrust disputes and other matters affecting commercial transportation.

Section 401 (**Certain Commercial Space Launch Facilities**) declares the licensing of a launch vehicle or launch site operator shall not be considered a major Federal action requiring an environmental impact statement under the National Environmental Policy Act of 1969 if 1) the Department of the Army has issued a permit for the activity and 2) the Corps of Engineers has determined that the activity has no significant impact.

PL 104-106 **National Defense Authorization Act for FY 1996** (S. 1124)

Authorizes \$265.3 billion for defense programs in fiscal 1996.

Section 4306 (**Value Engineering for Federal Agencies**) amends the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) to direct that each executive agency shall establish and maintain cost-effective value engineering procedures and processes.

PL 104-109 **Native American Statutes Corrections Act** (H.R. 2726)

Corrects references to Indian tribes in laws that gave three Michigan tribes federal recognition. Extends the deadline for the settlement of water rights for six months for the Yavapai-Prescott Tribe and one year for the San Carlos Apache Tribe.

Amends section 401 of PL 100-581 to authorize the Secretary of the Army to transfer funds to the Interior Department for the continued operation and maintenance of an **in-lieu tribal fishing site**.

PL 104-127 **Agricultural Market Transition Act** (H.R. 2854)

Reauthorizes, with extensive changes, the nation's farm programs at \$47 billion through fiscal 2002. Changes the system of subsidies to one in which farmers are to be paid a fixed annual amount that will decline until payments disappear in seven years. Farmers are limited to an annual subsidy of \$50,000 per person. Farmers are provided broad planting flexibility and policies that require them to idle land in order to receive subsidies are eliminated.

Reauthorizes through fiscal 2002 the Conservation Reserve Program and the Wetlands Reserve Program and allocates \$35 million to prevent farmland development and \$50 million for a wildlife habitat program.

Establishes a new Environmental Quality Incentives Program, which provides funds to livestock producers and farmers for nutrient and manure management to improve water quality.

Under the "swampbuster" program, the USDA is given sole Federal authority to designate all wetlands located on agricultural land, rather than being required to work with the Interior Department when dealing with wetlands issues.

Section 390 establishes a separate "**Everglades Restoration Account**" in the Treasury and makes \$200 million available to the Department of the Interior for restoration activities, to include land acquisition in the Florida Everglades ecosystem.

PL 104-176 **Jennings Randolph Lake Project Compact** (S.J.Res. 20)

Grants Congressional consent to a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the **Jennings Randolph Lake Project, Maryland and Virginia**.

PL 104-182 **Safe Drinking Water Amendments** (S. 1316)

Reauthorizes and overhauls the Safe Drinking Water Act, which regulates the quality of the nation's drinking water, through fiscal year 2003.

Authorizes \$7.6 billion through fiscal 2003 for a new state revolving fund that provides grants to water systems for infrastructure.

Section 306 grants consent to **Washington Aqueduct** customers to enter into compact or agreement to establish an entity to own and operate the Aqueduct; and authorizes the Secretary of the Army to borrow funds from the Treasury for fiscal years 1997, 1998 and 1999 to carry out capital improvements and ensure continued operation of the Aqueduct.

PL 104-201 **National Defense Authorization Act for FY 1997** (H.R. 3230)

Authorizes about \$265.6 billion in defense spending in fiscal 1997.

Section 910 removes the Secretary of the Army from membership on the **Foreign Trade Zone Board**.

PL 104-206 **Energy and Water Development Appropriations, FY 1997** (H.R. 3816)

Authorizes and directs initiation of construction of 14 projects at specified funding levels.

Authorizes and directs use of funds to complete remedial slope stabilization measures at **Hickman Bluff, Kentucky**.

Prohibits use of FY97 funds for purpose of acquiring land in Jasper Co., South Carolina, in connection with **Savannah Harbor** (Georgia) Navigation Project.

Directs maintenance dredging of **Cocheco River, New Hampshire**, navigation project.

Directs submittal of a plan to reduce the **number of Corps division offices** to no less than 6 and no more than 8, with implementation of the plan to begin on 1 April 1997.

Directs the Secretary of the Army to advertise for competitive bid 7,500,000 cubic yards of the **hopper dredge volume** accomplished with Government-owned dredges in FY 1992.

Authorizes the Secretary to use the **dredge fleet** of the Corps of Engineers to undertake projects when industry does not perform as required by contract or when the bids are more than 25 percent in excess of a fair and reasonable cost estimate.

Prohibits the use of any funds available to the Corps of Engineers to study, design, or undertake improvement or major repair of the Federal **vessel McFARLAND** (except for normal maintenance and repair to maintain its operational condition).

Modifies previously authorized projects at **Moorefield, West Virginia; Grays Landing Lock and Dam, Pennsylvania; Arkansas City, Kansas; Hudson River, New York City to Waterford, New York; and Abiquiu Dam, New Mexico**.

Directs that **non-structural flood control measures** implemented under Section 202 (a) of PL 96-367 shall prevent losses that would occur from a flood equal in magnitude to the April 1977 level or the 100-year frequency event, whichever is greater.

PL 104-223 **Crow Creek Sioux Tribe Infrastructure Development Fund** (H.R. 2512)

Establishes a trust fund based on 25 percent of hydropower revenues beginning in FY 1997. The fund will be capped at \$27.5 million. The tribe will receive the interest from the fund, which can be used for various infrastructure and development projects agreed to by the Bureau of Indian Affairs and the Indian Health Service. The plan shall include an educational facility, a comprehensive in-patient and out-patient health care facility, a water system, an irrigation system, recreational facilities and additional projects. The recreational facilities shall be suitable for high-density recreation at Lake Sharpe (Big Bend Dam) and at other locations on the Crow Creek Indian Reservation in South Dakota.

PL 104-298 **Water Desalinization Research and Development Act of 1996** (S. 811)

Authorizes the Secretary of the Interior to pursue research and development of processes for converting saline water into water suitable for beneficial uses.

Directs that recommendations for desalination demonstration or full-scale projects be provided to Congress within three years from enactment date.

Directs that the Act provisions be carried out in consultation with heads of other Federal agencies, including the Secretary of the Army.

PL 104-303 **Water Resources Development Act of 1996** (S. 640)

Authorizes 31 projects and conditionally authorizes 13 projects contingent upon the successful completion of a final Chief's Report by 31 December 1996.

Authorizes 46 small projects are under the continuing authorities program.

Increases to 35 percent the non-Federal cost sharing requirements for flood control and most environmental restoration projects authorized after enactment of this act. (The Section 1135 program remains at 25 percent.)

Authorizes a restoration program for South Florida and the Everglades.

Authorizes six small projects for restoration of aquatic ecosystems.

Directs that, in carrying out navigation projects, the Secretary may select a disposal method that is not the least cost option if the incremental costs are reasonable in relation to the environmental benefits, including wetlands development and shoreline erosion control.

Broadens the Section 1135 program to specifically allow restoration work off of project lands as long as it is shown that a Corps project contributed to the degradation of the environment.

Expands the Planning Assistance to States Program to include ecosystem and watershed planning.

Directs that dredged material disposal facilities for O&M be considered a general navigation feature and cost shared in accordance with Title I of WRDA '86. The Harbor Maintenance Trust Fund will be the source of the Federal portion of funds for construction of dredged material disposal facilities for O&M.

Clarifies shore protection policy to maintain a Federal interest in shoreline and beach protection and restoration, including the use of periodic beach nourishment. Revises ability-to-pay rules for flood control projects and requires preparation of a flood plain management plan by the non-Federal sponsors within one year of signing a PCA.

Allows non-Federal interests to construct authorized flood control projects. Changes the Federal review period for feasibility studies from 90 down to 30 days.

Directs initiation of a program to increase the use of private industry hopper dredges in navigation maintenance.

PL 104-332 **National Invasive Species Act** (H.R. 4283)

Establishes a national ballast-water management program to reduce the introduction and spread of foreign aquatic species in all U.S. waters. (Similar existing law applies only to the Great Lakes.)

Directs the Coast Guard to develop and implement, within one year, guidelines directing vessels to deposit their ballast water in areas where it poses no threat to U.S. waters, and to enter into negotiations with other nations, including Canada and Mexico, and International Maritime Organization members to develop and implement an effective international program.

Directs the Assistant Secretary of the Army, in consultation with the Task Force, to 1) develop a program of research, technology development, and demonstration for the environmentally sound control of **zebra mussels** in and around public facilities, and 2) investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species between the Great Lakes-Saint Lawrence drainage and the Mississippi River drainage through the Chicago River Ship and Sanitary Canal, including any of those methods that could be incorporated into the operation or construction of the **lock system of the Chicago River Ship and Sanitary Canal**.

PL 104-333 **Parks and Public Lands Management** (H.R. 4236)

Establishes a Presidio Trust to lease the more than 900 properties in San Francisco's Presidio National Park. Authorizes up to \$450 million over three years for San Francisco Bay restoration.

Authorizes up to \$17.5 million for the Palisades Interstate Park Commission for the purpose of protecting land in the Sterling Forest, which runs along New York's border with New Jersey.

Authorizes the Advisory Council on Historic Preservation through fiscal 2000.

Designates portions of several rivers as National Wild and Scenic Rivers, including a stretch of the Columbia River that runs through the Hanford nuclear site in Washington and the Lamprey River in New Hampshire.

Section 402 establishes the **Rio Puerco Management Committee** (to be convened by a representative of the Bureau of Land Management and to include the Corps of Engineers) to assist the Secretary of the Interior in 1) establishing a clearinghouse for research and information on management within the Rio Puerco Drainage Basin, 2) establish an inventory of best management practices.

Section 409 protects **North St. Vrain Creek and Adjacent Lands** in Rocky Mountain National Park by prohibiting the Secretary of the Interior and any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of the Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above msl.

Section 807 repeals 1936 boundary adjustments that reserved a 200-foot strip of the **Ft. Pulaski National Monument on Cockspur Island, Georgia**, for the Corps to deposit dredged material.

Section 1021 (**National Recreation Study**) amends the Land and Water Conservation Fund Act of 1965 to require the President to appoint a nine-member advisory commission (to include the Secretary of the Army or his designee) to review the current and anticipated demand for recreational opportunities at lakes and reservoirs managed by the Federal government. Once the review is complete, the commission is to submit a report addressing the extent of water related recreation at Federal manmade lakes and reservoirs and develop alternatives to enhance the opportunities for such use by the public.

Title XI (**California Bay Delta Environmental Enhancement**) authorizes \$143.3 million for each of FY 98, 99, 2000 to those agencies that are currently or subsequently become participants in the CALFED Bay-Delta Program. These funds are for 1) the initial Federal share of the cost of developing and implementing that portion of an ecosystem protection plan for the Bay-Delta, referred to as 'the Category III program' and 2) the initial Federal share of the cost of developing and implementing the ecosystem restoration elements of the long-term CALFED Bay-Delta Program. OMB is directed to submit to the House and Senate Committees on Appropriations, as part of the President's Fiscal Year 1998 Budget, an interagency budget crosscut that displays Federal spending for fiscal years 1993 through 1998 on ecosystem restoration and other purposes in the Bay-Delta region, separately showing funding provided previously or requested under both pre-existing authorities and new authorities granted by this section.